

ENTERED

December 16, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

MANUEL ROJAS,

Plaintiff,

VS.

VICENTE MARTINEZ, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-00238

ORDER

The Court is in receipt of Magistrate Judge B. Janice Ellington's Memorandum and Recommendation ("M&R") to Dismiss Certain Claims and Retain Case, Dkt. No. 12. No objections have been filed by the Plaintiff Manuel Rojas ("Rojas").

The Magistrate Judge recommends retaining Rojas's retaliation claim against one defendant in his individual capacity. Dkt. No. 12. The Magistrate Judge also recommends dismissing claims for money damages against Defendants in their official capacities as barred by the Eleventh Amendment and dismissing remaining claims as frivolous or failing to state a claim under 28 U.S.C. 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 12. Accordingly, the Court retains the retaliation claim against Guard Vicente Martinez in his individual capacity and dismisses all other claims.

SIGNED this 13th day of December, 2019.



Hilda Tagle
Senior United States District Judge